



2653

Docket No. MM4320 CON.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

Tetsuya KONDO, et al

GROUP: 2653

SERIAL NO.: ~~CON. 01091688,718~~ 10/664509

EXAMINER: DINH, Tan X

FILED: September 16, 2003

FOR: MULTILAYERED OPTICAL INFORMATION-RECORDING MEDIA AND
PROCESS FOR MANUFACTURE THEREOFRESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

This is a response to the outstanding office action dated September 3, 2004. Please deduct any necessary fees in connection with this matter from Deposit Account No. 01-1944.

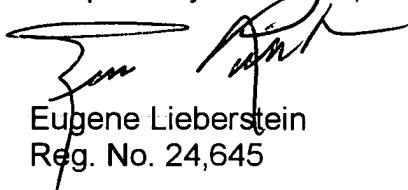
Applicant has filed a Terminal Disclaimer on December 3, 2004 in response to the outstanding office action to place the application in condition for allowance. The Terminal Disclaimer was timely filed and is in compliance with 37 CFR 1.321(c) to overcome the non-statutory double patenting rejection in paragraph 5 of the office action.

The rejection of claims 11-15 under the judicially created doctrine of obviousness-type double patenting over claims 1-4 of U. S. Patent No. 6,154,442 is respectfully traversed.

Applicant has filed a Terminal Disclaimer to overcome the non-statutory double patenting rejection. In addition, claims 11-15 permit guide grooves to be used in place of the first pits recited in claims 1-3 of U.S. Patent No. 6,154,442. The Examiner has stated it would be inherent to use a combination of recorded pits and guide grooves. It would not be inherent to use guide grooves in place of the recorded pits. This is not inherent from the claims 1-4 of U.S. Patent No. 6,154,442 and is based upon hindsight reasoning in view of the continuation application. Accordingly, the rejection of claims 11-15 under the judicially created doctrine of obviousness-type double patenting should be withdrawn.

Reconsideration and allowance of claims 11-15 is respectfully solicited.

Respectfully submitted,

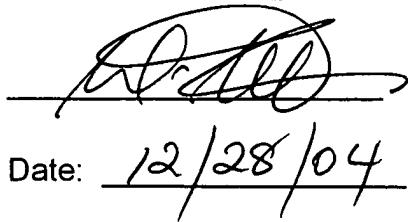


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CERTIFICATE OF MAILING STAMP

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 28, 2004.



Date: 12/28/04